

## ORDINANCE NO. 4401

An Ordinance making provision for the protection of McMinnville's historic resources, and repealing Ordinance No. 4228.

### RECITALS:

In November of 1982, the City of McMinnville adopted Ordinance No. 4228 which created the Historic Landmarks Committee and protected sites identified as primary historic resources on the 1980 Historic Resources Inventory. In 1983/84 the City conducted the second phase of its historic resources survey which included documentation of all historic structures within the Urban Growth Boundary. The Historic Landmarks Committee evaluated the resources and identified significant sites and structures in accordance with Comprehensive Plan Policy No. 17.01 which was adopted by Ordinance No. 4218 in 1982. Policy No. 17.01 directs the City to adopt a preservation ordinance which is consistent with the requirements of Statewide Planning Goal No. 5 and which protects the structures and sites identified as significant resources; now, therefore,

### THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. Purpose. Districts, buildings, objects, structures, and sites in the City having special historical, architectural, or cultural significance should be preserved as a part of the City's heritage. To this end, regulatory controls and administrative procedures are necessary for the following reasons:

- (a) Stabilize and improve property values through restoration efforts;
- (b) Promote the education of local citizens on the benefits associated with an active historic preservation program;
- (c) Foster civic pride in the beauty and noble accomplishments of the past;
- (d) Protect and enhance the City's attractions for tourists and visitors; and
- (e) Strengthen the economy of the City.

Historic districts may have a separate set of regulatory controls and administrative procedures which take priority over this ordinance.

Section 2. Definitions. For the purpose of this ordinance, certain terms and words are defined as follows: words in the present tense include the future, the singular tense include the plural and vice-versa; the word "shall" is mandatory; the word "may" is discretionary; and the masculine gender includes the feminine gender. The following terms shall mean:

- (a) Alteration: The addition to, removal of, removal from, or physical modification and/or repair of any exterior part or portion of an historical landmark.
- (b) Demolition: To raze, destroy, dismantle, deface or in any other manner cause partial or total ruin to an historic resource.

- (c) Exterior: Any portion of the outside of an historic resource.
- (d) Historic District: A geographical definable area of local, state, or national historical significance, the boundaries of which have specifically been adopted by the City Council.
- (e) Historic Landmark: Any historic resource which is classified as “Distinctive” or “Significant” on the McMinnville Historic Resources Inventory.
- (f) Historic Resources: Any site, structure, building, district, or object that is included on the Historic Resources Inventory.
- (g) Historic Resources inventory: The product of the 1983/84 Historic Resources Survey. The initial inventory includes the resources which were evaluated and ranked by the McMinnville Historic Landmarks Committee. The inventory incorporates the surveys and inventories conducted in 1976, 1980, and 1983/84 and resources which may be included by action of the Historic Landmarks Committee under the provision of Section 6 of this ordinance. The resources included in the inventory are classified as follows:
  - (1) Distinctive: Resources outstanding for architectural or historic reasons and potentially worthy of nomination to the National Register of Historic Places;
  - (2) Significant: Resources of recognized importance to the City due to historical association or architectural integrity, uniqueness, or quality;
  - (3) Contributory: Resources not in themselves of major significance, but which enhance the overall historic character of the neighborhood or City. Removal or alteration would have a deleterious effect on the quality of historic continuity experienced in the community; or
  - (4) Environmental: This category includes all resources surveyed that were not classified as distinctive, significant, or contributory. The resources comprise an historic context within the community.
- (h) Notice of Delay: A notice submitted to the Building Department by the Planning Director which indicates that an application does not conform with the requirements of the Historic Landmarks Ordinance and sets forth delay periods on the issuance of a building permit, a demolition permit, or a moving permit for an historic landmark.
- (i) Permit Clearance: indication that an application conforms with the requirements of the Historic Landmarks Ordinance and which must be submitted to the Building Department by the Planning Director prior to any building permit, demolition permit, or moving permit being issued for an historic landmark.

Section 3. McMinnville Historic Landmarks Committee. The McMinnville Historic Landmarks Committee which was created by Ordinance No. 4228 shall remain in existence in the following form:

(a) Membership. The Historic Landmarks Committee shall consist of five members selected at large. Each member shall be entitled to one vote. All members shall serve without compensation and shall be appointed by the City Council which shall make every effort to appoint persons with expertise in the field of historic preservation. All members may serve two consecutive four-year terms commencing on the first Tuesday in January, except that the initial term of the first members shall be for the duration of their appointments as Historic Landmarks Committee members as was provided by Ordinance No. 4228. Any vacancy occurring in a position for any reason other than the expiration of the term shall be filled by appointment by the Council for the remainder of the term. Members who have served two full terms may be reappointed to the Historic Landmarks Committee after a four-year hiatus from the committee.

(b) Role of the Committee. The Historic Landmarks Committee shall:

(1) Review the building permit applications for alterations to historic landmarks or construction upon historic sites where the guidelines for alteration provided in Section 10 of this ordinance would be violated as determined by the Planning Director;

(2) Review of the demolition permit applications which would result in the destruction of historic landmarks;

(3) Evaluate and designate historic districts, buildings, structures, sites, and objects as provided by the procedures in Section 6 of this ordinance;

(4) Conduct surveys, inventories, and studies of potential historic resources as budgeted;

(5) Make recommendations to the Planning Commission and City Council regarding historic preservation issues, including, but not limited to, ordinance amendments and historic district designations;

(6) Promote public awareness and appreciation of the City's historic resources as budgeted; and

(7) Conduct other historic preservation functions as determined by the Planning Director.

Section 4. Officers. The Historic Landmarks Committee at its first meeting of each calendar year shall elect a chairperson and vice-chairperson who shall hold office during the remainder of said year. Members of the committee shall also elect a secretary who shall be responsible for keeping an accurate record of all proceedings of said committee.

Section 5. Meeting--Quorum--Rules. A simple majority of the Historic Landmarks Committee members then serving shall constitute a quorum. The Historic Landmarks Committee, with the majority of its members concurring, may make and alter rules and regulations for its government and procedure consistent with the City charter and ordinances and with the State. The Historic Landmarks Committee may set a regularly scheduled meeting time. If no regular meeting time is established, the Historic Landmarks Committee shall be called to meetings by the Planning Director at such times as it is required to meet.

Section 6. Historic Resources Inventory. The McMinnville Historic Resources Inventory, compiled in 1983/84, is hereby adopted and shall be maintained and updated as required. The inventory shall be used to identify historic districts, buildings, structures, sites, and objects for the purposes of this ordinance.

(a) The Historic Landmarks Committee shall be authorized to make all additions, deletions, and changes to the inventory. Any addition, deletion or change, including a reevaluation of the significance of any resource, shall conform to the requirements of this section.

(b) Any person may file an application with the Planning Director to amend the inventory by adding or deleting a resource or changing the level of significance of a resource. The Historic Landmarks Committee shall act on such an application within twenty-one (21) days of the date of the application. The Committee may delay action on an application for up to thirty (30) days from the date of their meeting so that additional Information needed for a decision can be obtained. The owner of the site which is under consideration and the applicant (if different) shall be notified of the time and place of the Historic Landmarks Committee review, although their presence shall not be necessary for action to be taken on the application.

(c) The Historic Landmarks Committee shall base each decision regarding additions, deletions, or changes to the inventory on the following criteria:

(1) History. The resource is associated with significant past events, persons, organizations, trends, or values which were important at the city, county, state, or national level. The age of the resource relative to other local development contributes to its historic significance;

(2) Style/Design. The resource is representative of a particular style or a type of construction. The uniqueness of the resource or its quality of composition, detailing, or craftsmanship contribute to its design significance. The resource was designated or constructed by a craftsman, contractor, designer, or architect of local, state, or national importance;

(3) Integrity. The resource retains original design elements, materials, and character with relatively minor alterations, if any; and

(4) Environment. The resource contributes to the character or continuity of the street or neighborhood.

Section 7. Permit Application Process. An application for a building permit, moving permit, or a demolition permit for an historic building, structure, site, or object shall be submitted to the Building Official and shall be subject to procedures listed in (a), (b), and (c) below and in Sections 8 and 9.

(a) “Environmental” Resources. The permit application process shall proceed as usual and no additional procedures shall apply to any resource classified as “environmental” on the Historic Resource Inventory.

(b) "Contributory" Resources. Upon receipt of an application or an inquiry regarding a building permit, moving permit, or demolition permit for any historic resource classified as "contributory" on the Historic Resources Inventory, the Building Official shall provide the property owner with information about the City's historic preservation program. The permit application process shall then proceed as usual.

(c) "Historic Landmarks." The following procedures apply:

(1) Upon receipt of an inquiry regarding an application for the moving, alteration, or demolition of an historic landmark, the Building Official shall inform the Planning Director who shall direct the potential applicant to make application with the Historic Landmarks Committee.

(2) Application for a building permit, moving permit, or demolition permit for an historic landmark must include an application for permit clearance. Any application to the Historic Landmarks Committee for alteration or demolition of an historic landmark shall be processed as an application for permit clearance. The application for permit clearance shall be in such form and detail as the Historic Landmarks Committee and Planning Director prescribe, and this may require the following: written description of proposal, legal description of property, site plan, minimum of five (5) exterior photographs, materials list, and architectural drawings of any proposed alterations.

Section 8. Demolition, Moving, or New Construction. The Building Official shall submit all requests for demolition or moving of an historic landmark and new construction on historical sites (landmarks) on which no structure exists to the Planning Director who shall, within twenty-one (21) days, schedule a meeting of the Historic Landmarks Committee to review the request. A failure to review within twenty-one (21) days shall be considered as an approval of the application.

(a) The Historic Landmarks committee may approve, approve with conditions, or delay the issuance of a demolition permit, moving permit, or building permit. The Historic Landmarks Committee may delay a permit for up to one hundred twenty (120) days from the date the request is received by the Building Department during which time they will provide the owner of the structure with possible alternatives for demolition, including information concerning local, state, and federal preservation programs. If the permit request affects a "distinctive" resource, the delay period may be extended an additional sixty (60) days.

(b) The Historic Landmarks Committee shall base its decision on the following criteria:

(1) The City's historic policies set forth in the comprehensive plan and the purpose of this ordinance;

(2) The economic use of the historic landmark and the reasonableness of the proposed action and their relationship to the historic landmark's preservation or renovation;

- (3) The value and significance of the historic landmark;
- (4) The physical condition of the historic landmark;
- (5) Whether the historic landmark constitutes a hazard to the safety of the public or its occupants;
- (6) Whether the historic landmark is a deterrent to an improvement program of substantial benefit to the City which overrides the public interest in its preservation;
- (7) Whether retention of the historic landmark would cause financial hardship to the owner not outweighed by the public interest in the landmark's preservation; and
- (8) Whether retention of the historic landmark would be in the best interests of a majority of the citizens of the City, as determined by the Historic Landmarks Committee, and, if not, whether the historic landmark may be preserved by an alternative means such as through photography, item removal, written description, measured drawings, sound retention or other means of limited or special preservation.

(c) If the structure for which a demolition permit request has been filed has been damaged in excess of seventy percent (70%) of its assessed value due to fire, flood, wind, or other natural disaster, permit clearance may be given by the Planning Director without processing the request through the Historic Landmarks Committee.

(d) Any permit may be conditioned by the Planning Director or the Historic Landmarks Committee to secure interior and/or exterior documentation of the landmark prior to the proposed action. Required documentation shall consist of no less than twenty (20) black and white photographs with negatives or twenty (20) color slide photographs. Any permit may also be conditioned to preserve site landscaping such as individual plants or trees or to preserve selected architectural features such as doors, windows, brackets, mouldings or other details.

Section 9. Exterior Alteration or Remodeling. The Building Official shall submit to the Planning Director all building permit requests for exterior alteration to an historical landmark. The Planning Director shall, within five (5) working days, review the permit application for compliance with the requirements as set out in Section 10 of this ordinance.

(a) If the Planning Director finds the proposed alterations to be in compliance with Section 10, he shall submit to the Building Department a permit clearance form which will indicate that the requirements of this chapter have been satisfied by the request.

(b) If the Planning Director finds the proposed alteration to be in noncompliance with the requirements of Section 10, he shall immediately issue a "notice of delay" to the Building Official and call for a meeting of the Historic Landmarks Committee to review the application.

(1) The Historic Landmarks Committee shall meet within twenty-one (21) days of the date the completed permit application was submitted to the Building Department. The applicant shall be notified of the time and place of the review and is encouraged to be present, although his/her presence shall not be necessary for action on the plans. A failure to review within twenty-one (21) days shall be considered an approval of the application.

(2) If the Historic Landmarks Committee finds the proposed alterations to be in compliance with Section 10, they shall direct the Planning Director to submit to the Building Department a permit clearance form.

(3) If the Historic Landmarks Committee finds the proposed alterations to be in noncompliance with Section 10, they must:

(aa) Approve the application subject to compliance with conditions which will bring the application into conformance with Section 10. Permit clearance will be subject to said conditions; or

(bb) Direct the Planning Director to issue a notice of delay which places up to a sixty-day (60) delay from the date of the committee action on issuance of a building permit for the proposed alteration and provide the applicant with information concerning local, state, and federal preservation programs. If the proposed alteration affects a “distinctive” resource, the delay period may be extended an additional sixty (60) days.

(c) Any permit may be conditioned by the Planning Director or the Historic Landmarks Committee to secure interior and/or exterior documentation of the landmark prior to the proposed action. Required documentation shall consist of no less than twenty (20) black and white photographs with negatives or twenty (20) color slide photographs. Any permit may also be conditioned to preserve site landscaping such as individual plants or trees or to preserve selected architectural features such as doors, windows, brackets, mouldings, or other details.

Section 10. Guidelines for the Exterior Alteration of an Historic Landmark. Generally, an application for exterior alteration of an historic landmark shall be approved if the change or the treatment proposed is determined to be harmonious and compatible with the appearance and character of the historical building and shall generally be disapproved if found detrimental to or otherwise adversely affecting the architectural significance, the integrity of historical appearance, and the educational and historical value of the building.

(a) The following guidelines apply to exterior alterations to historical buildings:

(1) Retention of original construction. So far as possible, all original exterior materials and details shall be preserved or replaced to match the original.

(2) Height. Additional stories may be added to historic buildings provided that:

(aa) The added height complies with requirements of the building and zoning codes;

(bb) The added height does not exceed that which was traditional for the style of the building;

(cc) The added height does not alter the traditional scale and proportions of the building style; and

(dd) The added height is visually compatible with adjacent historic buildings;

(3) Bulk. Horizontal additions may be added to historic buildings provided that:

(aa) The bulk of the addition does not exceed that which was traditional for the building style;

(bb) The addition maintains the traditional scale and proportion of the building; and

(cc) The addition is visually compatible with adjacent historic buildings.

(4) Visual Integrity of Structure. The lines of columns, piers, spandrels, and other primary structural elements shall be maintained so far as is practicable.

(5) Scale and Proportion. The scale and proportion of altered or added building elements, the relationship of voids to solid (windows to wall) shall be visually compatible with the traditional architectural character of the historic building.

(6) Materials, Color, and Texture. The materials, colors, and textures used in the alteration or addition shall be visually compatible with the traditional architectural character of the historic building.

(7) Lighting and Other Appurtenances. Exterior lighting and other appurtenances, such as walls, fences, awnings, and landscaping shall be visually compatible with the traditional architectural character of the historic building.

(a) The Historic Landmarks Committee shall base their decision on the following criteria:

(1) Compliance with the guidelines in Section 10(a);

(2) The City's historic preservation policies set forth in the Comprehensive Plan and the purpose statement of this ordinance;

(3) The economic use of the historic landmark and the reasonableness of the proposed alteration and their relationship to the public interest in the historic landmark's preservation or renovation;



- (4) The value and significance of the historic landmark;
- (5) The physical condition of the historical landmark; and
- (6) The general compatibility and aesthetics of exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used with the existing landmark.

Section II. Public Notice. Public notice requirements shall be as follows:

(a) After the adoption of the initial inventory, all new additions, deletions, or changes to the inventory shall comply with subsection (c).

(b) Any Historic Landmark Committee review of an application for a building permit, moving permit, or demolition permit shall comply with subsection (c).

(c) Prior to the meeting, the owners of historic landmarks located within 300 feet of the historic resource under consideration shall be notified of the time and place of the Historic Landmarks Committee meeting and the purpose of the meeting. If reasonable effort has been made to notify an owner, failure of the owner to receive notice shall not impair the validity of the proceedings.

Section 12. Building Official Powers. Nothing in this chapter may be interpreted to mean that the Historic Landmarks Committee may issue building permits, as that is an ability reserved to the Building Official.

Section 13.

\* Reserved \*

Section 14. Violation--Procedure--Penalty.

(a) A uniform complaint, or citation to appear, may be issued to the owner or occupier of property being used or altered in violation of the Historic Landmarks Ordinance, requiring said owner or occupier to appear in court regarding a violation of the Historic Landmarks Ordinance.

(b) A trial shall be heard before the judge without a jury. No appeal from the decision may be taken. The standard of proof required shall be by a preponderance of the evidence.

(c) A person convicted of violating a provision of the Historic Landmarks Ordinance shall, upon conviction, be punished by a fine of not more than five hundred (500) dollars except for demolition of a structure which shall be as provided for in Section 11(d) below.

(d) A person convicted of demolishing an historic landmark without first securing a demolition permit shall, upon conviction, be punished by a fine of not more than fifteen hundred (\$1,500) dollars.

(e) In the event of the owner/occupier fails to pay a fine imposed upon conviction of a violation, the court may issue a Show Cause Order to the individual so charged and require his/her presence in court to set forth the reasons for said failure to pay. If good and sufficient reasons do not exist, the court may request the Council to adopt an ordinance making the amount a lien against the property.

Section 15. Appeals. Any appeal of a decision by the Historic Landmarks Committee, including an appeal of conditions placed on a permit by the committee, may be made to the City Planning Commission within ten (10) days of the Historic Landmarks Committee's decision. If the appeal is filed, the Planning Commission shall receive a report and a recommendation from the Historic Landmarks Committee and shall hold a public hearing on the appeal at their next regularly scheduled meeting. Public notice of an appeal shall be made according to Section 11(c) of this ordinance. Any permit shall be invalid and no work shall be undertaken during the appeal process.

Section 16. Repeal. Ordinance No. 4228, enacted on November 23, 1982, is hereby repealed in its entirety.

Section 17. Initiative and Referendum. This ordinance shall be subject to the terms and conditions of Ordinance No. 3823, entitled "Initiative and Referendum," for a period of thirty (30) days.

First Reading - Read and passed by the Council this 10th day of March, 1987, by the following votes:

Ayes: Hansen, Wertz, Hanson, Wilson, and Blanchard

Nays: Johnstone

Second Reading - Read and passed by the Council this 14th day of April, 1987, by the following votes:

Ayes: B. Hansen, Wertz, Blanchard, Wilson, C. Hanson

Nays: Johnstone

Approved this 14th day of April, 1987.

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MAYOR

Attest:

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RECORDER